

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

J. MICHAEL LANDSCAPING, INC.,
Defendant

and

BARLETTA ENGINEERING CORPORATION;
MODERN CONTINENTAL CONSTRUCTION CO.,
INC.; and PEABODY CONSTRUCTION COMPANY,
INC.,

Reach-and-Apply Defendants

C.A. No. 05-11624 RWZ

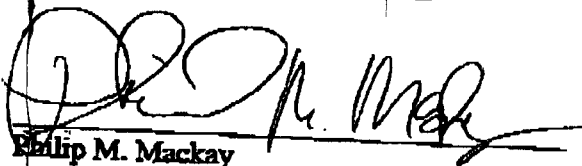
AFFIDAVIT OF PHILIP M. MACKAY

1. My name is Phil Mackay. I am the Collections Agent for the Massachusetts Laborers' Benefit Funds ("the Funds").
2. If the \$80,920.07 in unpaid fringe benefit contributions and underpayments owed by J. Michael Landscaping, Inc. ("J. Michael") is paid by the end of November, 2005, the company will owe the Funds \$15,023.26 in interest thereon.

3. Further, J. Michael owes the Funds \$6,682.30 in interest on previously late-paid contributions.

4. Liquidated damages of at least \$16,184.01 are also due under the terms of the collective bargaining agreement.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 6th DAY OF DECEMBER, 2005.


Philip M. Mackay

CERTIFICATE OF SERVICE

This is to certify that a copy of the above Affidavit has been served by first class mail upon the defendant, J. Michael Landscaping, Inc. by its attorney, Paul J. Hogan at Hogan & Associates, 63 Chatham Street, Boston, MA 02109 this 7th day of December, 2005.

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire